

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN SOUTHERN DIVISION

MICHAEL J. GHIACIUC,

PLAINTIFF,

V.

BANK OF AMERICA, N.A. a
foreign corporation, BAC HOME
LOANS SERVICING, LP, a foreign
limited partnership, NATIONSBANC
MORTGAGE CORPORATION,
NATIONSBANK CORPORATION,
both foreign corporations, FANNIE MAE
a/k/a FEDERAL NATIONAL MORTGAGE
ASSOCIATIONS, Joint and several.

4:13-cv-12756-TGB-DRG

CASE #: 13-12756

HON. TERRENCE G. BERG

MAGISTRATE DAVID R. GRAND

DEFENDANTS.

Joseph H. McKoan IV(P55642)
Attorney for Plaintiff
8061 Marsh Rd. P.O. Box 312
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810-794-9379
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Bodman PLC Atty. for Defendants
by: Trevor M. Salaski(P74703)
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PLAINTIFF'S EX-PARTE MOTION TO RE-OPEN CASE NO. 13-12756

Plaintiff, by way his attorney, hereby files his Ex-Parte Motion to Re-Open the above referenced case and allow Plaintiff's case to proceed on the merits.

Plaintiff further states in support of his Motion the following:

1. That Plaintiff is in exercise of his absolute right given him by this Honorable Court to re-open said case by December 2, 2013.
2. That previous hereto, this case was administratively closed on 9/24/2013 to pursue settlement negotiations.
3. That Plaintiff necessarily relied upon Defendants good faith actions.
4. To date, nothing at all has been forthcoming from Defendants in the pursuit of a just settlement, making the filing of this motion absolutely necessary.

5. That due to this Honorable Court's Plaintiff approaching deadline, Plaintiff is required to file this Motion to Re-Open the case in order to preserve Plaintiff's claim and allow the proceeding to be adjudicated.
6. In order to assure Plaintiff's rights within this action are Preserved, this Motion is brought.

Wherefore, Plaintiff Requests that this Honorable Court hereby Order the Following:

- a. Re-Open this cause allowing Plaintiff to proceed on the merits of the case as is allowed by way of this Court's administrative Order.
- b. Add this case to the Court's docket in accordance with the Court's procedure.
- c. Grant such other relief as this court deems equitable including but not limited to attorney fees, costs, and other relief appropriate under the circumstances.

Respectfully Submitted,

/s/Joseph H. McKoan IV
Joseph H. McKoan IV(P55642)
Attorney for Plaintiff
8061 Marsh Road P.O. Box 312
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810-794-9379
jmckoan@mckoanlaw.com

Dated: December 1, 2013

Certificate of Service

I, hereby certify that on **DECEMBER 1, 2013**, I electronically filed the foregoing pleading with the Clerk of the Court using the ECF system as required.

/s/JOSEPH H. McKOAN IV
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